

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yong-Hak CHOI et al.

Serial No.: 10/505,426

Filed: 3/23/2005



Confirmation No.: 7134

Group Art Unit: 2683

Examiner: Ariel A. Balaoing

Customer No.: 34610

For: METHOD OF MEMBERSHIP PROTECTION USING MOBILE
COMMUNICATION DEVICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal. The review is requested for the reasons stated below:

The Office Action dated February 27, 2006 finally rejected claims 1-2 under 35 U.S.C. §102(e) over U.S. Publication No. 2004/0014478 to Hoffman et al. (hereinafter "Hoffman"), and rejected claim 4 under 35 U.S.C. §103(a) over Hoffman in view of U.S. Patent No. 6,011,967 to Wieck.

Further, to the detailed arguments and discussion set forth in the Request for Reconsideration filed May 30, 2006, it is respectfully submitted that Hoffman does not disclose or suggest all of the features of independent claim 1, or the respective claimed combination. That is, there are significant differences between the claimed invention of independent claim 1 and the signaling system disclosed by Hoffman. For example, in the claimed invention of independent claim 1, the member protection state is started if a report of a moving releasing

state is not received by the central control server from the member until a certain engaged time. In Hoffman's invention, in contrast, the condition relating to the "engaged time" is not included in the alarm conditions (see paragraphs 84-100 of Hoffman). Further, in the Office Action, the Examiner argues that the claimed "engaged time" of the claimed invention corresponds to the "historical data" of Hoffman's invention. However, the claimed "engaged time" has no relevance to the "historical data" disclosed in Hoffman.

Furthermore, as previously stated, the claimed invention of independent claim 1 begins a protection state using a mobile communication terminal in response to a member's active request. When a report of releasing a protection state is not received until an engaged time, it is judged as an emergency situation and a turnout emergency signal is transmitted to mobilizing staff. In contrast, Hoffman's invention relates to a signaling system that is provided for rendering an alarm for an individual in distress combined with a locating and tracking system to thus alert and direct appropriate personnel to the needs of the individual in distress and to monitor the location of that individual. Hoffman's system includes a portable signaling unit 20, a remote alarm switch unit 40, a central dispatch station 80, and makes use of a wireless communication system. In Hoffman's system, when the special remote alarm switch unit 40 does not receive a periodic signal because the special remote alarm switch unit 40 is not positioned within a preset location range of the portable signaling unit 20, the central dispatch station recognizes that an emergency situation occurs.

The claimed invention of independent claim 1 does not require an additional device, such as the remote alarm switch unit 40 of Hoffman's invention. In more detail, as shown in FIG. 1 of Hoffman, a user wanting protection must have the remote alarm switch unit 40, as well as the portable signaling unit 20, 49, 68. Since the remote alarm switch unit 40 must be

positioned within a preset location range from the portable signaling unit 20, the user generally wears the remote alarm switch unit 40 together with the portable signaling unit 20 on the person's body. For example, the remote alarm switch unit 40 may be in the form of a wristband or in the form of a broche, a pendant, or a key chain on the part of the person's body. See the Abstract of Hoffman.

Only when the remote alarm switch unit 40 is within the preset location range from the portable signaling unit 20 may a periodical signal be transmitted to the portable signaling unit 20 through a timer circuit 56, 75. When the remote alarm switch unit 40 is not within the preset location range from the portable signaling unit 20, the portable signaling unit 20 cannot receive the periodical signal from the remote alarm switch unit 40, and accordingly the central dispatch station 80 interprets an alarm signal 77.

Because a user must wear the remote alarm switch unit 40 the following problems may occur:

(1) The remote alarm switch unit 40 may be lost. In this case, because the remote alarm switch unit 40 is positioned beyond the preset location range, the central dispatch station 80 generates an unnecessary alarm signal.

(2) In a dangerous emergency situation, such as binding or unconsciousness, the remote alarm switch unit 40 may not be separated from the person's body. In this case, although an emergency situation occurs, the remote alarm switch unit 40 is still located within the preset location range of the portable signaling unit 20 and a normal state is maintained. Accordingly, the portable signaling unit 20 does not generate an alarm signal.

However, as set forth above, the claimed invention of independent claim 1 does not need the remote alarm switch unit 40. That is, unlike Hoffman's invention, a member wanting protection in an engaged time range previously inputs and transmits the scheduled times of protection start and release using a mobile communication terminal. When the report of releasing a protection state is not received until the engaged time, the central dispatch station 80

issues an alarm signal. Accordingly, the member only needs to carry the mobile communication terminal.

Further, in Hoffman's system a protection state starts automatically by wearing the portable signaling unit 20, a location of which is tracked and the remote alarm switch unit 40, and the user's location is monitored in real time. However, in the claimed invention of independent claim 1, a protected target (member) actively takes the initiative in requesting a protection state start. Thus, the difference is that the member previously registers a moving situation and an expected moving end time as an engaged time when the member moves into a possible danger zone to prevent a dangerous situation and to rapidly cope with an emergency situation.

Additionally, in Hoffman's system, after the protection state starts, the remote alarm switch unit 40 having the timer circuit 56 transmits a periodical signal to the portable signaling unit 20 to maintain a normal state. If the remote alarm switch unit 40 is removed from the individual by force or an unauthorized means, the central dispatch station 80 may not receive an alarm signal generated by the portable signaling unit 20 if the signal is interpreted. However, in the claimed invention of independent claim 1, when a report of protection releasing is not received by the central control server from the member until the engaged time that a member has input, the central control server interprets an alarm signal. Thus, unlike Hoffman's system that generates an alarm signal only when the remote alarm switch unit 40 is removed by someone, in the claimed invention of independent claim 1, even in a case of a situation difficult to request emergency rescue, a protection turnout can be rapidly achieved when an engaged time of a protection releasing elapses.

In the Advisory Action, the Examiner argues that “engaged time” is interpreted as a time between when the user activates and disables a protection state.” However, the definition of “engaged time” by the Examiner is wrong. If once “engaged time” is set and registered, the “engaged time” is fixed and cannot be changed according to when the protection time is disabled.

Further, it seems that the Examiner considers the structural difference between the claimed invention and the prior art as of little importance. However, the structural difference is important since the fact that the prior art requires an additional device such as the remote alarm switch indicates that the prior art has technical limitations which the claimed invention does not.

Furthermore, the Examiner argues that:

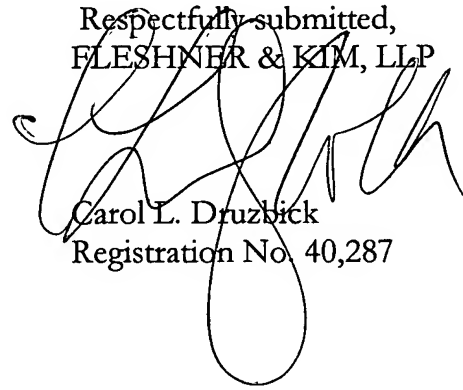
...the limitation of claim 1 recites ... the mobile communication device is traced until a report of releasing a protection state is received from the member. As with the disclosure from Hoffman, if the server does not receive the periodical signal, emergency notification is provided.

However, conditions for activating alarm mode of the prior art are totally different from those of the claimed invention. In the claimed invention, unlike Hoffmann’s invention, an alarm signal is issued when the report of releasing a protection state is not received until the engaged time.

Accordingly, the rejection of independent claim 1 over Hoffman should be withdrawn. Dependents claim 2 and 4 are allowable over Hoffman at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for its added features. Weick fails to overcome the deficiencies of Hoffman, as it is merely cited as allegedly disclosing a mobile communication terminal comprising a cellular phone or PDA.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'Carol L. Druzbeck', is written over the typed name and firm name.

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